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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,383	08/05/2003	Christopher P. Desmarais	60130-1776; 03MRA0273	8211

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EXAMINER
KIM, YOON YOUNG

ART UNIT	PAPER NUMBER
1723	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/634,383	DESMARAIS, CHRISTOPHER P.	
	Examiner	Art Unit	
	Yoon-Young Kim	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to the Amendment filed on September 1, 2005.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-15 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al., U.S. Patent No. 5,685,985.

Regarding Claim 10, Brown discloses a fluid filter diverter assembly comprising: first and second sides spaced from one another; a first material and a second material supported on the first material, the second material defining at least a portion of the first side (Col. 10, Line 64 – Col. 11, Line 5); and a filter media (Fig. 6, #211, 212) secured to the second side, the first side having a first wall (#238) defining an enclosed aperture with a hole (#230) extending from the enclosed aperture to the second side, and the second material providing the first wall and a second wall, the second wall (#239) on the first side and outside of the enclosed aperture and the first wall.

Regarding Claim 11, Brown discloses that the first material is a plastic and the second material is an elastomer (Col. 5, Lines 27-31).

Regarding Claim 12, Brown discloses that the filter media (#211, 212) defines a central opening (#228) and the second side includes a center tube (#222) provided by the first material

(Col. 50-53) at least partially within the central opening, the first material providing a base with the filter media secured to the base (Col. 10, Line 64 – Col. 11, Line 5), and the center tube extending from the base to provide a unitary structure.

Regarding Claim 13, Brown discloses that the first wall is cylindrical (Fig. 8) and defines an aperture (#230) with an edge of the first wall defined by the second material.

Regarding Claim 14, Brown discloses a fluid filter diverter assembly comprising: first and second sides spaced from one another; a first material and a second material supported on the first material, the second material defining at least a portion of the first side (Col. 10, Line 64 – Col. 11, Line 5); and a filter media (Fig. 6, #211, 212) secured to the second side, the first side having a first wall (#238) defining an enclosed aperture with a hole (#230) extending from the enclosed aperture to the second side, and the second material defining at least a portion of the first wall, wherein the second material defines a side wall (#239) spaced from the first wall, and the second material defining a central wall (Fig. 8, #264) arranged between the first wall and the side wall.

Regarding Claim 15, Brown discloses that the second material is adhered to the first material (Col. 5, Lines 11-16).

Regarding Claim 22, Brown discloses that an adhesive is arranged on the second side with the filter media embedded in the adhesive (Col. 5, Lines 11-16).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown.

Regarding Claim 1, Brown discloses a fluid filter assembly comprising: a housing (Fig 6, #200, 201) having an end and defining a cavity; a diverter arranged within the cavity and including first and second sides with the first side proximate to the end, the diverter including a base having a first wall (#238) on the first side, the first wall in sealing engagement with the end around an opening (#230), the base including a first material and the first wall including a second material different than the first material and which is supported on the second material (Col. 10, Line 64 – Col. 11, Line 5), and a second wall (#239) on the first side engaging the end and provided by the second material; and a filter media (#211,212) having a portion supported by the second side, the second wall fluidly separated from the opening by the first wall and the filter media. Although Brown does not disclose tubes in fluid communication with the cavity, it would have been obvious to provide tubes to provide a connection between the filter and the engine.

Regarding Claim 2, Brown discloses that the first wall is cylindrical (Fig. 8) and defines an aperture (#230) with an edge of the first wall in sealing engagement with the end of the housing.

Regarding Claim 3, Brown discloses that the diverter includes a hole (slots between #264) extending between the first and second sides and in fluid communication with the aperture and the opening.

Regarding Claim 4, Brown discloses that the second material defines at least a portion of the first side including the edge of the first wall (Col. 10, Line 64 – Col. 11, Line 5).

Regarding Claim 5, Brown discloses a fluid filter assembly comprising: a housing (Fig 6, #200, 201) having an end and defining a cavity; a diverter (#238, 239) arranged within the cavity

and including first and second sides with the first side proximate to the end, the diverter including a first wall (#238) in the first side and in sealing engagement with the end of the housing, wherein the first wall defines an aperture with an edge of the first wall in sealing engagement with the end of the housing, wherein the diverter includes a first material and a second material secured to the first material, the second material defining at least a portion of the first side including the edge of the first wall (Col. 10, Line 64 – Col. 11, Line 5), wherein the second material defines a side wall (#239) spaced from the first wall and in engagement with the end of the housing; and a filter media (#211,212) having a portion supported by the second side. Although Brown does not disclose tubes in fluid communication with the cavity, it would have been obvious to provide tubes to provide a connection between the filter and the engine.

Regarding Claim 6, Brown discloses a fluid filter assembly comprising: a housing (Fig 6, #200, 201) having an end and defining a cavity; a diverter (#238, 239) arranged within the cavity and including first and second sides with the first side proximate to the end, the diverter including a first wall (#238) in the first side and in sealing engagement with the end, wherein the first wall defines an aperture with an edge of the first wall in sealing engagement with the end of the housing, wherein the diverter includes a first material and a second material secured to the first material, the second material defining at least a portion of the first side including the edge of the first wall (Col. 10, Line 64 – Col. 11, Line 5), wherein the second material defines a central wall (Fig. 8, #264) extending away from the first wall and in engagement with the end of the housing; and a filter media (#211,212) having a portion supported by the second side. Although Brown does not disclose tubes in fluid communication with the cavity, it would have been obvious to provide tubes to provide a connection between the filter and the engine.

Regarding Claim 7, Brown discloses that the filter media includes a central opening (#228) with the first tube offset from the central opening, the end supporting a second tube

(#214) in fluid communication with the cavity, and the filter media arranged between the first and second tubes.

Regarding Claim 9, Brown discloses that the base supports the filter media (Fig. 6) with the first wall comprising a gasket supported by the base (Col. 10, Line 64 – Col. 11, Line 5), the base extending radially outward beyond the filter media (Fig. 8).

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Schwandt et al., U.S. Patent No. 6,085,915.

Regarding Claim 8, Brown discloses that the housing includes a case (#200) defining the end and a cover (#201) opposite the end secured to the vase but does not disclose a third tube. Schwandt teaches a fluid filter assembly comprising a housing including a cover (#24) supporting a tube (#88). It would have been obvious to one of ordinary skill in the art to modify Brown with the element of Schwandt in order to exhaust or drain fluid from the filter cartridge (Col. 3, Lines 13-18).

Regarding Claim 12, Brown discloses that the filter media (#211, 212) defines a central opening (#228) and the second side includes a center tube (#222) at least partially within the central opening, the first material providing a base with the filter media secured to the base (Col. 10, Line 64 – Col. 11, Line 5) but does not disclose that the base and the center tube form a unitary structure. Schwandt teaches a fluid filter assembly comprising a center tube (Fig. 3, #34) extending from a base (#36) to provide a unitary structure.

Response to Arguments

6. Applicant's arguments with respect to Claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Brown teaches the first and second materials (Col. 10, Line 64 – Col. 11, Line 5) and the first (#238), second (#239), and central wall (#264) as claimed in the invention.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yoon-Young Kim whose telephone number is (571) 272-2240. The examiner can normally be reached on 8:30-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YK
11/02/05

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